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LETTER DATED 23 MARCH 1995 FROM THE PERMANENT REPRESENTATIVE OF THE RUSSIAN FEDERATION TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE CONFERENCE

I have the honour to transmit the text of the amendments proposed by the Russian Federation to articles 1, 13 and 14 of the draft Agreement for the implementation of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks.

I should be grateful if you would have the amendments distributed as a document of the Conference.

(Signed) S. LAVROV
Ambassador
Permanent Representative

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ANNEX

Amendments proposed by the Russian Federation to articles 1, 13 and 14 of the draft Agreement for the implementation of of the provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the conservation and management of straddling fish stocks and highly migratory fish stocks

Article 1

Definition of an adjacent area for the purposes of the Agreement

"Adjacent area" as referred to in the present Agreement means an a of the high seas beyond the limits of an economic zone and adjacent to it in which straddling fish stocks are found while actively or passively migrating from the economic zone to this area, and in which such stocks are fished.

The breadth of an adjacent area of the high seas, measured from the outer boundary of an economic zone, shall be determined, up to a maximum of 70 nautical miles, on the basis of the best available scientific data by the relevant subregional or regional fisheries management organizations or by agreement between the coastal and other States concerned.

Article 13

Enclosed and semi-enclosed seas

In implementing the provisions of this Agreement in an enclosed or semi-enclosed sea, States shall take in to account the geographical, natural and ecological characteristics of that sea and the legal circumstances of the conduct of the fishery and, taking into consideration the rights and interests of coastal States, shall also act in accordance with Part IX and other relevant provisions of the Convention.

Article 14

Areas of the high seas forming an enclave fully surrounded by areas under the national jurisdiction of one State

1. States shall pay special attention to the conservation of straddling fish stocks and highly migratory fish stocks in areas of the high seas forming an enclave which is fully surrounded by areas under the national jurisdiction of one State and, taking into account the rights, responsibilities and interests of that coastal State, shall ensure that measures in respect of such stocks in the enclave do not undermine the effectiveness of conservation and management measures applied in respect of the same stocks by the coastal State, on the

basis of the best scientific data available, in the areas under national jurisdiction.

2. States whose nationals fish for straddling fish stocks and highly migratory fish stocks in the enclave shall cooperate with the coastal State in:

(a) Drawing up, prior to the commencement of fishing, measures for conservation and management and for the enforcement thereof by vessels flying their flags, bearing in mind that the measures drawn up should be no less effective than the measures in force in accordance with the Convention in the areas under national jurisdiction;

(b) Preventing fishing in the enclave by vessels flying their flag contrary to or in the absence of conservation and management measures.

3. If within a reasonable period of time the States concerned and the coastal State do not reach agreement on conservation, management and enforcement measures in accordance with paragraph 2 (a) of this article, provisional measures of a practical nature shall be applied in the enclave. Such measures shall, on the basis of the precautionary principle, exclude adverse effects on the straddling fish stocks and highly migratory fish stocks, on the basis of the best scientific data available and taking into account the conservation and management measures in force in the areas under national jurisdiction.

4. Disputes related to the regulation of fisheries within the enclave shall be settled in accordance with the procedures provided for in Part III of this Agreement without prejudice to the provisions of article 31.